

AS

# **Notice of Allowability**

**Application No.**

09/978,041

**Examiner**

Eric Hug

**Applicant(s)**

RUF ET AL.

**Art Unit**

1731

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on December 22, 2003.
2. ☒ The allowed claim(s) is/are 1-62.
3. ☒ The drawings filed on 17 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 19 November 2003.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The claims have been amended as follows:

14. (Currently Amended) The ~~headbox~~ lamella in accordance with claim 1, wherein said high-performance polymer comprises at least one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and polyetherimide (PEI).

#### *Allowable Subject Matter*

Claims 1-62 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-16, 20-25, and 57, and also claims 26-42, 46-50, and 59 are allowed, because the prior art does not disclose or suggest a headbox lamella formed of at least one high-performance polymer having superior water absorption and/or heat resistance to polysulphone. It is understood that the high-performance polymer of the present invention comprises any one or more thermoplastic materials that meet the criteria for water absorption and/or heat resistance given in the specification.

Claims 53 and 61 and also claims 54 and 62 are allowed, because the prior art does not disclose or suggest a headbox lamella formed of at least one high-performance polymer comprising one of polyphenylene sulphone (PPSU), polyether sulphone (PES), and

Art Unit: 1731

polyetherimide (PEI), and having superior water absorption and/or heat resistance to polysulphone.

Claims 55 and 56 are allowed for the added limitation of providing a homogenous high-performance polymer in at least the free end. This feature was previously indicated as allowable subject matter in the Interview Summary of November 19, 2003, a copy of which is attached hereto.

Claims 17-19, 51, and 58 and Claims 43-45, 52, and 60 are allowed for reasons given in the previous office action regarding independent claims 17 and 43.

#### *Response to Arguments*

Applicant's arguments filed December 22, 2003, with respect to the objections and rejections presented previously have been fully considered and are persuasive.

The rejection of claims 1-16, 20-42, 46-50, 53, and 54 under 35 U.S.C. 103(a) as being unpatentable over Rodal et al (US 4,617,091) in view of Applicants' Admission of Prior Art and further in view of Lehtonen (US 5,553,381) has been withdrawn. Rodal et al (US 4,617,091) discloses a headbox trailing element (lamella) which may comprise the material polysulphone. There is no disclosure or suggestion in Rodal to use as an alternative any one or more of polyphenylene sulphone, polyether sulphone, or polyetherimide. The tables of physical properties presented by Applicant comparing different materials do not provided any suggestion for using these claimed materials as a headbox lamella. Materials disclosed by Lehtonen (US 5,553,381) are for use as a roll coating in a paper machine, but it is not obvious from the large list of materials which ones are suitable for use as a headbox lamella.

Art Unit: 1731

The objection to claim 43 presented previously has been withdrawn. This objection should have been regarding an error in claim 52 instead. However, the error in claim 52 has been corrected by amendment.

The objection to claims 53 and 54 presented previously has been withdrawn, because they claim subject matter different from claims 14 and 40.

The objection to the specification under 35 U.S.C. 132 presented previously as introducing new matter has been withdrawn. Applicant has presented evidence that the subject matter previously objected to is inherent to the materials of the instant invention. Accordingly, the rejection of claims 1-16, 20-42, 46-50, 53, and 54 under 35 U.S.C. 112, first paragraph, as failing to comply with the written disclosure has been withdrawn.

The objection to the specification regarding reference number 22 (lamella end) has been withdrawn, as it is understood what this feature entails and that the disclosure has described this feature in different terms with regards to various embodiments.

The objection to drawings under 37 CFR 1.84(h)(5) presented previously regarding Figure 3a has been withdrawn, as Figure 3b shows separately the multiple embodiments of Figure 3a.

Art Unit: 1731

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Eric Hug*

*Steven P. Griffin*  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
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jeh